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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

Case No.: 2:08-cv-01228-HDM-LRL

TRUSTEES OF THE CONSTRUCTION
 INDUSTRY AND LABORERS HEALTH
 AND WELFARE TRUST; TRUSTEES OF
 THE CONSTRUCTION INDUSTRY AND
 LABORERS JOINT PENSION TRUST;
 TRUSTEES OF THE CONSTRUCTION
 INDUSTRY AND LABORERS VACATION
 TRUST; AND TRUSTEES OF THE
 SOUTHERN NEVADA LABORERS LOCAL
 872 TRAINING TRUST,

Plaintiff,

vs.

X-TREME X-CAVATION, INC., a Nevada
 corporation; DWAYNE FINLAYSON, an
 individual; and BERKLEY REGIONAL
 INSURANCE COMPANY,

Defendants.

BERKLEY REGIONAL INSURANCE
 COMPANY, a Delaware corporation,

Counterclaimant,

vs.

TRUSTEES OF THE CONSTRUCTION
 INDUSTRY AND LABORERS HEALTH
 AND WELFARE TRUST; TRUSTEES OF
 THE CONSTRUCTION INDUSTRY AND
 LABORERS JOINT PENSION TRUST;

**ORDER DISMISSING GUBLER
 TRUCKING'S CLAIMS,
 WITHOUT PREJUDICE**

MATTHEW L. JOHNSON & ASSOCIATES, P.C.

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1 TRUSTEES OF THE CONSTRUCTION
2 INDUSTRY AND LABORERS VACATION
3 TRUST; AND TRUSTEES OF THE
4 SOUTHERN NEVADA LABORERS LOCAL
5 872 TRAINING TRUST,

6 Counter-Defendants.

7 BERKLEY REGIONAL INSURANCE
8 COMPANY, a Delaware corporation,

9 Crossclaimant,

10 vs.

11 X-TREME X-CAVATION, INC., a Nevada
12 corporation; DWAYNE FINLAYSON, an
13 individual,

14 Cross-Defendants.

15 BERKLEY REGIONAL INSURANCE
16 COMPANY, a Delaware corporation,

17 Third-Party Plaintiff,

18 vs.

19 GUBLER TRUCKING INC., a Nevada
20 corporation; DONALD J. BLACK, an
21 individual; and TANYA R. BLACK, an
22 individual,

23 Third-Party Defendants

24 GUBLER TRUCKING INC., a Nevada
25 corporation,

26 Crossclaimant,

27 vs.

28 X-TREME X-CAVATION, INC., a Nevada
corporation; DOES 1 through 100, inclusive;
and ROE CORPORATIONS 1 through 100,
inclusive,

Cross-Defendant

1 This matter came before the Court on the 23rd day of August, 2011, at 10:00 a.m.
 2 Yvette Weinstein, Chapter 7 Bankruptcy Trustee of X-TREME X-CAVATION, INC.
 3 ("Xtreme"), was represented by Christine Roberts of the law firm of Sullivan, Hill, Lewin, Rez,
 4 & Engel; GUBLER TRUCKING INC. ("Gubler Trucking") was represented by Russell G.
 5 Gubler of the law firm of Matthew L. Johnson & Associates, P.C.

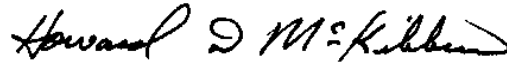
6 With no opposition by the Chapter 7 Trustee, Gubler Trucking moved the Court to
 7 dismiss, without prejudice, Gubler Trucking's remaining claims against Xtreme for Breach of
 8 Contract, Breach of the Covenant of Good Faith and Fair Dealing, and Unjust Enrichment. This
 9 Court having considered the pleadings and papers on file, and good cause appearing, therefore:

10 IT IS HEREBY ORDERED that Gubler Trucking's remaining claims against Xtreme
 11 for Breach of Contract, Breach of the Covenant of Good Faith and Fair Dealing, and Unjust
 12 Enrichment are dismissed, without prejudice.

13 IT IS FURTHER ORDERED that Gubler Trucking shall maintain all of its rights in the
 14 above-mentioned claims against Xtreme.

15 IT IS SO ORDERED.

16 DATED this 24th day of August, 2011.

17 

18 UNITED STATES DISTRICT COURT JUDGE

19 ORDER APPROVED AS TO FORM AND CONTENT:

20 Matthew L. Johnson & Associates, P.C.

21 Sullivan, Hill, Lewin, Rez, & Engel

22 

23 /s/ Christine Roberts

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